

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID MICHAEL LECLAIRE,

Plaintiff,

v.

CASE No. 2:22-CV-10726
HON. GEORGE CARAM STEEH

L. PARISH, WARDEN, et al.,

Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO
EXTEND TIME TO FILE AMENDED COMPLAINT (ECF NO. 9)**

Plaintiff David Michael LeClaire, a state prisoner currently incarcerated at the Saginaw Correctional Facility in Freeland, Michigan, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. The plaintiff, who requires the use of a wheelchair due to the amputation of his right leg and hip, alleged violations of his rights under the Eighth and Fourteenth Amendments and the Americans with Disabilities Act (ADA), when he was improperly housed and did not receive medically necessary accommodations on placement at the Charles E. Egeler Reception and Guidance Center (RGC) in Jackson, Michigan. He also complained of deliberately indifferent medical care after a locker fell on him, causing spinal and internal pain.

On June 13, 2022, the Court dismissed the five defendants named in the complaint pursuant to 28 U.S.C. § 1915(g), because the plaintiff failed to state a claim against them. (ECF No. 8.) However, while the plaintiff appeared to have a potential claim for deliberate indifference to his serious medical needs, he had not named any defendant(s) responsible for that claim. The Court ordered the plaintiff, if he wished to proceed on that issue, to file an amended complaint identifying the defendants responsible for the denial or delay of his medical care and providing a factual basis for their liability. (*Id.*) The plaintiff was given sixty days to file the amended complaint. (*Id.*) The plaintiff's sixty-day deadline was August 12, 2022.

Now before the Court is the plaintiff's motion for an extension of time to file the amended complaint. (ECF No. 9.) He asserts he has been working diligently to investigate his case and secure counsel. (*Id.* at PageID.22.) He now seeks an additional ninety days to file an amended complaint, so that he may secure counsel and investigate the case. (*Id.* at PageID.23.)

"When an act . . . must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time . . . expires." Fed. R. Civ. P. 6(b)(1)(A). The Court believes the plaintiff has set forth good cause for his request, especially as he has been

diligent in his endeavors. In addition, the plaintiff's motion was mailed on August 8 (ECF No. 9, PageID.25), before his original deadline expired.

Finally, the Court's actions are appropriate under the "leniency" standard applied to *pro se* plaintiffs. *Tolliver v. Noble*, 752 F. App'x 254, 265 (6th Cir. 2018) (citing *Lawler v. Marshall*, 898 F.2d 1196, 1200 (6th Cir. 1990); *Brown v. Matauszek*, 415 F. App'x 608, 616 (6th Cir. 2011); *Gordon v. England*, 354 F. App'x 975, 981–82 (6th Cir. 2009)).

Order

For the reasons stated above, the Court GRANTS the plaintiff's motion to extend his deadline. (ECF No. 9). Plaintiff must file his amended complaint in compliance with this Court's order of June 13, 2022, within **ninety (90) days** of the entry of this order.

IT IS SO ORDERED.

Dated: September 20, 2022

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATE DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 20, 2022, by electronic and/or ordinary mail and also on David Michael LeClaire #551505, Saginaw (MSP) Saginaw Correctional Facility, 9625 Pierce Rd., Freeland, MI 48623

s/Brianna Sauve
Deputy Clerk